

REMARKS

Reconsideration of the subject application in view of the above amendment is respectfully requested.

By the present amendment, claims 1 and 6 have been amended.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

The Examiner has rejected Claims 1-4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,915,489 to Minko (Minko). Applicant respectfully disagrees.

Minko only discloses a pyramidal prism (see Figs. 1-4) but not a plan reflection surface (3) of a reflector target, as recited in claim 1. Accordingly, Minko discloses a fully different matter than the claimed invention. Further, all of the other cited art also fail to disclose the claimed invention or the effect of the special “enlargement shift” (p. 3, ln. 12) of the laser beam for fine tuning. Thus, claim 1 and claims 2-8 that depend therefrom are patentable over the prior art.

The Federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation...[a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros., 2 U.S.P.Q. 2d at 1053.

In view of the above, since Minko fails to disclose all the features of claim 1, it is respectfully submitted that Minko does not anticipate the present invention, as defined by claim 1. It is respectfully submitted that claim 1 is patentable over the prior art. Accordingly, it is respectfully submitted that claims 2-8 that depend therefrom respectfully are patentably distinct over such art and thus withdrawal of such rejection over such claims is respectfully requested.

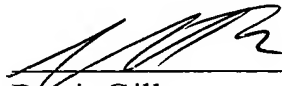
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal

respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail and addressed to: Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450 on November 1, 2004.

